

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
 §
VS. § CRIMINAL ACTION NO. C-12-418-2
 §
ALEJANDRO GARZA; aka GARZA §
ALEX

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(A); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.


The evidence against the defendant is substantial. Although the defendant is a United States citizen with no criminal history who turned himself in to authorities, he is alleged to be a leader of a huge marihuana trafficking organization with ties to the Mexican Gulf Cartel. A search of his home resulted in the discovery of numerous

firearms, including firearms and ammunition designed to penetrate Kevlar vests. The defendant was previously arrested for his involvement in a drug trafficking conspiracy and he was carrying this very firearm within his reach in his vehicle at the time he was arrested. The cooperating witnesses in this case fear violence at the hands of the defendant, and the defendant's brother has been arrested and confessed to a drug-related murder. The defendant lied to the pretrial services officer about his travel to Mexico (twice in the last year), obviously to distance himself from any ties to Mexico. The defendant stated to pretrial services that he was employed by AJ Steel in Mission, Texas, a business owned by his sister, but tax and other documents reflect that the business is owned by the defendant. The court finds these inconsistencies troubling, especially in a presumption case where the defendant is facing a ten-year minimum mandatory term in prison. It also appears that the defendant has paid legal fees in the past for some of his co-conspirators. The court finds that the presumption has not been rebutted.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver

the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 26th day of June, 2012.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE